

1 Mario N. Alioto (56433)
2 Lauren C. Capurro (241151)
3 TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
4 2001 Union Street, Suite 482
5 San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
malioto@atap.com
laurenrussell@atap.com

6 *Lead Counsel for the Indirect Purchaser Plaintiffs*

7

8

9

10

11

12

**IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

13

This Document Relates To:

14

ALL INDIRECT PURCHASER
ACTIONS

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MDL NO. 1917

Case No. 07-cv-5944-JST

**DECLARATION OF LAUREN C. CAPURRO
IN SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' RESPONSE TO
ADMINISTRATIVE MOTION FOR LEAVE
TO FILE SUPPLEMENTAL EVIDENCE IN
SUPPORT OF IRICO GROUP CORP. AND
IRICO DISPLAY DEVICES CO., LTD.'S
OPPOSITION TO INDIRECT PURCHASER
PLAINTIFFS' MOTION FOR LEAVE TO
FILE SURREPLY IN OPPOSITION TO
IRICO'S MOTION FOR SUMMARY
JUDGMENT**

The Honorable Jon S. Tigar

1 I, Lauren C. Capurro, declare:

2 1. I am a partner with Trump, Alioto, Trump & Prescott, LLP, Lead Counsel for the
 3 Indirect Purchaser Plaintiffs (“IPPs”) in the above-captioned action. I am a member of the Bar of
 4 the State of California and admitted to practice before this Court. I make this declaration in support
 5 of the IPPs’ Response to Administrative Motion for Leave to File Supplemental Evidence in
 6 Support of Irico Group Corp. and Irico Display Devices Co., Ltd.’s Opposition to IPPs’ Motion for
 7 Leave to file Surreply in Opposition to Irico’s Motion for Summary Judgment. Except where
 8 otherwise stated, the matters set forth herein are within my personal knowledge and if called upon
 9 and sworn as a witness I could competently testify regarding them.

10 2. Prior to contacting Mr. De Lombaerde, I contacted Philips’ counsel and requested
 11 their assistance to authenticate the Philips documents filed with IPPs’ opposition to summary
 12 judgment.¹ I specifically requested that Philips’ counsel contact Mr. De Lombaerde because he was
 13 the author or recipient of several of the relevant emails. Philips’ counsel informed me that Mr. De
 14 Lombaerde no longer worked for Philips and that they were unable to contact him. At no point did
 15 Philips’ counsel inform me that they still represented Mr. De Lombaerde. Thus, I did not know that
 16 Mr. De Lombaerde was represented by Philips’ counsel when I contacted him in October 2023. At
 17 no time since filing Mr. De Lombaerde’s declaration has Philips’ counsel notified me that it did, in
 18 fact, represent Mr. De Lombaerde when I contacted him.

19 3. I first contacted Mr. De Lombaerde via LinkedIn and email. The messages did not
 20 mention Philips and expressly stated: “I am one of the attorneys representing the plaintiffs in the
 21 CRT antitrust litigation in the United States.” Mr. De Lombaerde responded to my messages and
 22 agreed to speak to me and provided his telephone number. During the call with Mr. De Lombaerde,
 23 I again explained that I represented the plaintiffs in the CRT antitrust litigation in the United States
 24 and was very clear that my clients, the Indirect Purchaser Plaintiffs, had settled with Philips several
 25 years earlier and that Philips was no longer a party to the litigation. I also explained the procedural

26
 27 ¹ IPPs’ Settlement Agreement with Philips requires Philips to cooperate with IPPs to authenticate
 documents and lay the foundation for their admissibility at trial. See ECF No. 6334-1 at 5.

1 posture of IPPs' case against Irico and why I was contacting Mr. De Lombaerde—namely, that
2 Irico was the only remaining defendant, that it had moved for summary judgment based on its claim
3 that it did not sell CRTs to the United States, and that I sought Mr. De Lombaerde's assistance with
4 authenticating several Philips emails he sent or received showing that Philips approved Irico's
5 CRTs for use in televisions to be sold in the United States. I emphasized to Mr. De Lombaerde that
6 I was not seeking any information about Philips' alleged participation in the CRT conspiracy and
7 was only interested in what he knew about Irico's indirect sales of CRTs to the United States.

8 4. At no point during my interactions with Mr. De Lombaerde did I seek any
9 information regarding potentially privileged communications between Mr. De Lombaerde and
10 Philips' counsel.

11 5. I drafted Mr. De Lombaerde's Declaration based on my conversations with him and
12 the information he provided regarding Philips' purchases of Irico's CRTs for use in televisions to
13 be sold in the United States. In response to my email presenting the draft declaration to Mr. De
14 Lombaerde for his review and asking if he was okay with it as drafted, Mr. De Lombaerde
15 responded: "I am perfectly happy with the content of the declaration."

16

17 I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th
18 day of November 2023 in Novato, California.

19

20 _____
21 /s/ Lauren C. Capurro
22 Lauren C. Capurro

23

24

25

26

27

28